

(a) Produce:

(I) A valid Colorado driver's license or a Colorado identification card, issued pursuant to article 2 of title 42, C.R.S.; or

(II) A United States military card or a military dependent's identification card; or

(III) A United States Coast Guard Merchant Mariner card; or

(IV) A Native American tribal document; and

(b) Execute an affidavit stating:

(I) That he or she is a United States citizen or legal permanent resident; or

(II) That he or she is otherwise lawfully present in the United States pursuant to federal law.

(4.5) Notwithstanding the requirements of subsection (4) of this section, an institution of higher education may accept a tuition classification certification form signed by an authorized United States military education services official as evidence of an applicant's lawful presence in the United States.

(5)(a) Notwithstanding the requirements of paragraph (a) of subsection (4) of this section, the executive director of the department of revenue shall promulgate rules providing for additional forms of identification recognized by the federal government to prove lawful presence and a waiver process to ensure that an individual seeking benefits pursuant to this section proves lawful presence in the United States. The rules are necessary to ensure that certain individuals lawfully present in the United States receive authorized benefits, including but not limited to homeless state citizens.

(b) Deleted by Laws 2007, Ch. 7, § 1, eff. March 1, 2007.

(c) Repealed by Laws 2007, Ch. 7, § 1, eff. July 1, 2007.

(6) A person who knowingly makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subsection (4) of this section shall be guilty of a violation of section 18-8-503, C.R.S. It shall constitute a separate violation of section 18-8-503, C.R.S., each time that a person receives a public benefit based upon such a statement or representation.

(7) For an applicant who has executed an affidavit stating that he or she is an alien lawfully present in the United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the federal systematic alien verification of entitlement program, referred to in this section as the "SAVE program", operated by the United States department of homeland security or a successor program designated by the United States department of homeland security. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence for purposes of this section.

(8) Agencies or political subdivisions of this state may adopt variations of the requirements of paragraph (b) of subsection (4) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individual circumstances in which the verification procedures in this section would impose unusual hardship on a legal resident of the state; except that the variations shall be no less stringent than the requirements of this section.